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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FRANK J. FOSBRE, JR., Individually and On)	No. 2:10-cv-00765-APG-GWF
Behalf of All Others Similarly Situated,)	(Consolidated)
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
LAS VEGAS SANDS CORP., et al.,)	
)	
Defendants.)	
)	

STIPULATION AND ~~[PROPOSED]~~ ORDER REGARDING BRIEFING SCHEDULE ON
MOTIONS TO MAINTAIN DOCUMENTS UNDER SEAL

(FIRST REQUEST)

Lead Plaintiffs Pompano Beach Police & Firefighters' Retirement System and Alaska Electrical Pension Fund ("Plaintiffs") and defendants Las Vegas Sands Corp. and Sheldon G. Adelson ("LVS Defendants") stipulate to the following:

On February 10, 2016, the LVS Defendants filed a Motion to Maintain Under Seal Certain Exhibits to Defendants' Joint Appendix in Support of Their Motions for Summary Judgment. Dkt. No. 211. In their motion, the LVS Defendants noted that "Plaintiffs have stated that at this time they are not taking a position on the current motion, but reserve the right to move to unseal or object to the sealing of the documents submitted as part of the summary judgment briefing at a later time when summary judgment is fully briefed." *Id.* at 2;

On February 11, 2016, the Court granted the LVS Defendants' motion. Dkt. No. 212;

On March 14, 2016, Plaintiffs filed a Motion for Leave to File Their Opposition to Defendants' Motions for Summary Judgment Under Seal. Dkt. No. 225. In their motion, Plaintiffs noted that "[i]n an abundance of caution, plaintiffs filed their Opposition (including brief, exhibits and appendixes) under seal pursuant to LR 10-5(b). Plaintiffs continue to believe that none of these documents meet the applicable standard for keeping the information out of the public. However, out of an abundance of caution, and the inability to meet and confer with defense counsel, the entire Opposition was filed under seal." *Id.* at 2;

On March 17, 2016, the Court granted Plaintiffs' motion and further ordered that "[t]he parties have 21 days to meet and confer to determine what documents, if any, should remain sealed and whether an agreement can be reached. If necessary, defendants will file a motion requesting that the Opposition to Defendants Sheldon G. Adelson, Las Vegas Sands Corp. and William P. Weidner's Motions for Summary Judgment (the 'Opposition') or portions remain filed under seal." Dkt. No. 226 at 2;

On April 7, 2016, after Plaintiffs and the LVS Defendants met and conferred, but could not reach agreement on which documents should remain under seal, the LVS Defendants filed a Motion

to Maintain Under Seal Certain Exhibits to and Certain Passages Contained in Plaintiffs' Opposition to Summary Judgment. Dkt. No. 231;

On April 11, 2016, a minute order was entered requiring that any opposition to the LVS Defendants' motion be filed by April 21, 2016; and

On April 13, 2016, the LVS Defendants filed a Motion to Maintain Under Seal Certain Material in Joint Appendix in Support of Defendants' Replies in Support of Summary Judgment (Dkt. No. 241); no briefing schedule has yet been set.

NOW THEREFORE, the undersigned parties, by and through their counsel of record, stipulate and agree, subject to the approval of the Court, to the following: Plaintiffs will file a single brief by May 6, 2016: (1) setting forth their reasons why they contend the documents sealed by the Court's order in Dkt. No. 212 should no longer be sealed; (2) responding to the LVS Defendants' Motion to Maintain Under Seal Certain Exhibits to and Certain Passages Contained in Plaintiffs' Opposition to Summary Judgment (Dkt. No. 231); and (3) responding to the LVS Defendants' Motion to Maintain Under Seal Certain Material in Joint Appendix in Support of Defendants' Replies in Support of Summary Judgment (Dkt. No. 241).¹ The reply brief by the LVS Defendants will be filed by May 20, 2016. This is the first extension requested, and it will allow the remaining

¹ On April 12, 2016, the parties met and conferred concerning the sealing of the three supplemental deposition excerpts the LVS Defendants filed under seal as exhibits in connection with their reply in further support of the LVS Defendants' motion for summary judgment. *See* Dkt. No. 237 (Supplemental Exhibits 117, 118 and 124 filed under seal). However, the parties were unable to reach an agreement as to whether these documents, or any portion thereof, should remain under seal.

briefing on this issue to be consolidated. Plaintiffs will file their opposition to the LVS Defendants' Motion to Maintain Under Seal Certain Exhibits to and Certain Passages Contained in Plaintiffs' Opposition to Summary Judgment (Dkt. No. 231) by April 21, 2016, in accordance with the Court's prior order, should the Court not enter this Stipulation.

DATED: April 13, 2016

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SO ORDERED.



UNITED STATES DISTRICT JUDGE
Dated: April 14, 2016.

s/ COURTNEY A. HOFFMANN w/ permission
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and Sheldon G. Adelson

IT IS SO ORDERED:

THE HONORABLE ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

DATED: _____